

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 04-12699-RWZ

THE PETITION OF K&R FISHING  
ENTERPRISES, INC. FOR EXONERATION  
FROM OR LIMITATION OF LIABILITY,  
CIVIL AND MARITIME

PETITIONER'S MOTION FOR APPOINTMENT OF APPRAISER

Now comes Petitioner, K&R FISHING ENTERPRISES, INC., in the above captioned matter, by and through its undersigned counsel, Clinton & Muzyka, P.C., and respectfully moves this Honorable Court pursuant to Rule F(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims to appoint marine appraiser and surveyor, **Mr. David C. Dubois**, to appraise and determine, according to his best skill and judgment, the value of the Petitioner's interest in the **F/V NORTHERN EDGE** at the time of its loss set forth in its Petition, and to report his findings to this Honorable Court without delay.

The Petitioner has attached hereto as Exhibit "A" a copy of Mr. Dubois's Curriculum Vitae and as Exhibit "B" a proposed Order to Appraise.

**WHEREFORE**, the Petitioner requests that Mr. David C. Dubois be appointed the appraiser in this Petition of K&R

FISHING ENTERPRISES, INC. for Exoneration From or Limitation  
of Liability, Civil and Maritime.

By its attorneys,

**CLINTON & MUZYKA, P.C.**

"/s/Thomas J. Muzyka\_  
**Thomas J. Muzyka**  
**BBO NO. 365540**  
One Washington Mall  
Suite 1400  
Boston, MA 02108  
617-723-9165

Dated: December 29, 2004

**David C. DuBois**  
**229 Green Street**  
**Fairhaven, Massachusetts 02719**

**RESUME CAPSULE:**

Over twenty four years experience as an independent marine surveyor and consultant combined with eleven years service as a commissioned officer in the U.S. Coast Guard, specializing in merchant marine inspections, naval engineering, casualty investigations, marine environmental protection, vessel construction and repair, licensing of merchant marine personnel, and various sea-going assignments.

**EXPERIENCE:**

1980 to present

**MARINE SURVEYOR, CONSULTANT and P&I INVESTIGATOR, Fairhaven, MA.** Conducted numerous condition, valuation, and damage surveys of all types of commercial and recreational vessels, including fishing vessels. Prepared casualty investigation reports for various marine insurance companies, law firms and vessel owners. Supervised major repair projects involving commercial vessels. Provide consultation relative to new construction and modifications of certified vessels. Provided loss control and safety oversight for fleet operators and vessel owners including regulatory standards, accident prevention and safety issues. Drafted professional Oil Pollution Protection Operations Manuals for waterfront transfer facilities and tank vessels. Conducted numerous P & I investigations involving seaman's injuries, liability claims. Founded and operated Tidewater School of Navigation in New Bedford, MA from 1980 through 1986. Tidewater School of Navigation was an independent private trade school licensed by the Commonwealth of Massachusetts to provide classroom training and education to Merchant Marine personnel in preparation for their U. S. Coast Guard License examinations or Seaman's Certificate examinations.

July 1978 - May 1980

**CHIEF ENGINEER OFFICER, U.S. Coast Guard Cutter BIBB, New Bedford, MA.** Responsibilities include operation and maintenance of all machinery, piping, ventilation, heating, electrical power distribution and hull structure systems.

January 1978 - July 1978

**SPECIAL PROJECT OFFICER, First Coast Guard District, Naval Engineering Branch, Boston, MA.** Supervised one million dollar overhaul of 2600 ton Coast Guard Cutter UNIMAK.

May 1972 - January 1978

**MARINE INSPECTOR and INVESTIGATOR, U.S. Coast Guard Marine Safety Offices, Norfolk, VA and Providence, RI.** Performed field inspections of all types of vessels including new constructions, surveys of passenger vessels, tankers and offshore supply vessels.

David C. DuBois  
Resume

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Examined hull structures, machinery, firefighting and life saving equipment installations to ensure compliance with federal regulations. Conducted inspections for issuance of Certificates of Inspection on all types of vessels, evaluated safety equipment and manning levels. Conducted SOLAS inspections aboard numerous foreign tank vessels, passenger vessels and LPG vessels. As Senior Investigating Officer, coordinated efforts of approximately fifteen investigators and personally conducted numerous investigations of marine casualties and boating accidents relating to loss of life, collisions, groundings, personnel injuries, equipment failures and oil pollution incidents. As Senior Inspector of personnel, evaluated U.S. Merchant Marine personnel to determine their qualifications to be examined for Officer's Licenses or Seaman's Papers. Administered examinations and evaluated personnel to determine their fitness to be issued a license and, upon satisfactory completion of all evaluations and examinations, issued licenses and documents to approved personnel.

July 1969 - May 1972

U.S. Coast Guard Cutters BIBB and BOUTWELL, Boston, MA. Service in the capacity of ENGINEERING WATCH OFFICER and DAMAGE CONTROL ASSISTANT. Managed operation, repair and preventive maintenance operation, repair and preventive maintenance of all machinery as Assistance Engineer Officer. Trained ship's company in all phases of shipboard damage control and firefighting.

### **EDUCATION:**

U.S. Coast Guard Academy, New London, CT. Bachelor of Science with concentration in Marine Engineering and Mathematics, 1965 - 1969.

Attended numerous professional training courses in ship design and construction, propulsion systems, weld inspection, non-destructive testing of materials, environmental protection systems, oil-spill countermeasure techniques, marine casualty investigation methods, and control of Marine Gas Hazards, 1972 - 1982.

### **PROFESSIONAL DATA:**

Certified Marine Surveyor, National Association of Marine Surveyors (NAMS).

Member, National Fire Protection Association  
Member, American Boat and Yacht Council

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ORDER TO APPRAISE

Upon consideration of the prayer in the Petition in the above captioned matter that due appraisal be made to determine the value of the Petitioner's interest in the **F/V NORTHERN EDGE** at the time of its loss as set forth in its Petition it is now, to wit:

**ORDERED AND DECREED** that Mr. David C. Dubois of Marine Safety Consultants, Inc., 26 Water Street, Fairhaven, MA 02719 be hereby appointed Appraiser to determine the value of the Petitioner's interest in the **F/V NORTHERN EDGE** and its pending freight at the time of the incident, and to report his finding to this Court.

By the Court,

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